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SECRETARY

)
) DOCKET NO. 97-00888

MOTION OF
BEN LOMAND COMMUNICATIONS, INC.
TO BE DESIGNATED AN ELIGIBLE TELECOMMUNICATIONS CARRIER

Comes Ben Lomand Communications, Inc., a facilities-based competitive local exchange carrier pursuant to 47 USCS § 214(e) and hereby respectfully moves the Tennessee Regulatory Authority that it certify Ben Lomand Communications, Inc. as an Eligible Telecommunications Carrier (ETC) pursuant to the Telecommunications Act of 1996 § 254(c) [47 USCS § 254(c)] and FCC orders and in support of said motion, alleges and would show the following:

1. Ben Lomand Communications, Inc., with principal offices at 1111 Smithville Highway, McMinnville, TN 37110, Telephone (931) 668-1010; FAX Line (931) 668-1013, by order of the Tennessee Regulatory Authority dated April 28, 1999, Docket No. 98-00600, styled Application of Ben Lomand Communications, Inc. for a Certificate of Convenience and Necessity to provide intrastate telecommunications service as a competing telecommunications service provider was granted a Certificate of Convenience and Necessity to provide telecommunications services in the counties of Warren and White of the state of Tennessee in all geographic locations within those counties permitted by the provisions of Tennessee Code Annotated 65-4-201.

2. Ben Lomand Communications, Inc.'s outside plant is designed and is being constructed as a facilities-based competitive local exchange carrier and would be considered a "rural telephone company" under the Telecommunications Act of 1996 because it and all its affiliates provides or will provide telephone exchange service,

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including exchange access, to fewer than 50,000 access lines or provides telephone exchange services to any local exchange carrier study area with fewer than 100,000 access lines. It has less than 15% of its access lines in communities of more than 50,000 on the date of the enactment of the 1996 Act (See 47 USCS §§ 153 (37)(B)-(D). The facilities under construction and plan will be such as to foster universal service, and it is, therefore, entitled to the benefits of universal service cost recovery.

3. Under the authority of the Certificate of Convenience and Necessity granted by the Tennessee Regulatory Authority, Ben Lomand Communications, Inc.

Ben Lomand Communications, Inc. is in the process of constructing a facilities-based system in McMinnville, Tennessee, and Sparta, Tennessee, and is contracting with other communications carriers and/or vendors to furnish local exchange service in these areas and is in the process of providing or will provide to its customers a minimum of the following services:

1. voice grade access to the public switched network;
2. access to free of charge "local usage" defined as an amount of minutes of use of exchange service;
3. dual tone multi-frequency signaling or its functional equivalent;
4. single-party service or its functional equivalent;
5. access to emergency services;
6. access to operator services;
7. access to interexchange service;
8. access to directory assistance;
9. access to number portability;
10. toll limitation services to a minor degree for qualifying low-income consumers;
11. intraLATA toll;
12. interLATA usage;
13. lifeline Services;
14. inside wiring arrangements;

15. wire maintenance plans;
16. CLASS services and other enhanced feature;
17. limited repair and maintenance plans;
18. Voice Mail;
19. ISDN

The moveant, BLC, has and/or will offer these services either using its own facilities or through services of another facilities-based carrier or vendor with whom it has contracts.

4. It will advertise the availability of and the prevailing price for the list of universal services throughout the area in which it is designated as an ETC.

Regarding the requirement that ETCs advertise the availability of the list of universal services, this moveant, BLC, says:

It is currently in the construction and cutover stage, as will be set out in a subsequent paragraph, with, as of May 1, 2000, only a small number of customers being served; however, an average of 7 to 15 customers are being added daily in the McMinnville area, which is in keeping with the ability of the moveant, BLC, and the ILECs and local carriers with which it interconnects to process, and as a result, only general information, viz advertising, is being released; however, BLC will use standard customer notification and public notice procedures, direct mailings, directory information, radio and newspaper advertising, as management may direct using good business practices and such guidance as the TRA has or may establish.

5. With regard to the requirement that ETCs must offer access to 911 or E-911 for its service area, the moveant's system design for McMinnville and Sparta, Tennessee, and interconnection agreements and/or contracts for affiliated services was so devised as to meet this requirement and does meet the said requirement.

The moveant, BLC, pledges its readiness to work with local governments, 911 boards, and the TRA to ensure the availability of these emergency services through its facilities whenever requested in its (BLC's) service area.

Denying interstate cost recovery support to the moveant has the potentiality to undermine the ability of this LEC to maintain the network upgrades necessary to provide modern efficiency emergency services.

6. Toll limitation services as defined by FCC is virtually beyond the capacities of a rural LEC, whether it be an ILEC or CLEC or a metropolitan LEC for that matter to provide. Toll blocking--yes, toll control--no, as it would require the capability of a switch to read and rate every call instantly as the caller attempts to make the toll call and the ability of the switch to differentiate between toll calls and other types of calls. This requirement is a matter of concern and reconsideration by all carriers and should not put the moveant's status as an ETC and the availability of interstate universal service cost recovery support in jeopardy.

7. The moveant avers that it has demonstrated its abilities to fulfill its desires, promises, aims, and statements set out in its application to be certified as a CLEC and would show the Authority that it has achieved the following as of the 20th day of April, 2000:

The system is being constructed in two separate areas, namely, the McMinnville area and the Sparta area. The McMinnville area was the first undertaken, and it is divided into four phases. The second area, which is Sparta, has only one phase.

The McMinnville area, as of May 25, 2000, was virtually complete. It is anticipated that service will be available in all phases on or before June 28, 2000,

In the Sparta area (Area 2), which is in one phase, construction is progressing nicely and was about two-thirds complete as of May 25, and construction should be completed by July 5, 2000. It is anticipated that service will be available in the Sparta area (Area 2) on or before August 1, 2000.

8. The moveant meets the eligibility requirements associated with being an ETC.

In the McMinnville area in the phases which have been described as 3 and 4 and especially in Phase 3, to be cut over shortly, are a large number of persons who have indicated a desire for BLC service who are eligible for low to moderate income assistance. They reside in units managed and maintained by the McMinnville Housing

Authority. There are many other applicants for BLC service in all four phases which could qualify for support.

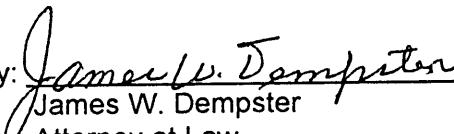
This moveant, BLC, respectfully submits that the request to be designated as an ETC at this time serves the public interest and ensures that resources are committed to the provision of and preservation of universal service.

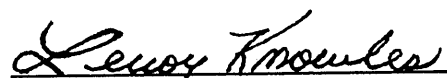
REQUEST

For the foregoing reasons, Ben Lomand Communications, Inc. respectfully moves and requests that the Tennessee Regulatory Authority designate it as an ETC within its respective local exchange carrier service area. An expedited grant of this motion will facilitate the ability of the moveant, Ben Lomand Communications, Inc., in its planning needs and will facilitate its ability to be a competitive entity as a facilities-based wireline voice and data communications provider in keeping with the 1996 Federal Telecommunications Act.

Respectfully submitted,

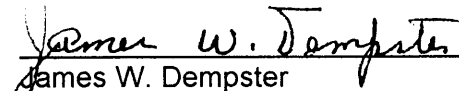
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CERTIFICATE OF SERVICE

I, James W. Dempster, hereby certify that I have served a copy of the foregoing Motion of Ben Lomand Communications, Inc. To Be Designated a Telecommunications Carrier to each of the following via U.S. First Class Mail, postage prepaid at the addresses shown below, this 2nd day of June, 2000.


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